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REMARKS

Claims 1-23 stand rejected under 35 U.S.C. 102 and/or 35 U.S.C. 103. Applicant respectfully traverses the rejections and requests a withdrawal of all rejections as set forth below.

I. Claim Rejections – 35 USC § 102

Claims 1-4, 7-13, 16-18, and 20-22 stand rejected under 35 U.S.C. 102(b) as being anticipated by Kim et al. (2002/0183637, hereinafter "Kim"). As the Examiner is well aware, in order for a reference to anticipate a claim, that reference must teach each element of the properly construed claim. Contrary to the Examiner's assertion, Kim fails to teach, among other things, determining whether a template is valid in response to second selected events and updating the template from the second selected events in response to the template not being valid.

As shown by the sequential blocks in Figure 6, Kim teaches correlating a template with the next 21 beats. If not correlated, 21 SVR beats are collected and then 16 template beats are acquired for generating a candidate template. In other words, after determining an existing template is not valid based on the next 21 beats, acquisition of new, subsequent beats (16 template beats) is required for generating a new template. Accordingly, Kim does not teach, suggest or imply, validating a template in response to selected (second) events and using the same selected (second) events to update the template as stated in the claims. For at least this reason, the rejection is improper and should be withdrawn.

II. Claim Rejections – 35 USC § 103

As discussed above, Kim does not teach, suggest, or imply validating a template in response to selected events and using the same selected events to update the template. Kim teaches away from the claimed invention in that Kim

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teaches there is no need to store multiple beats in the beat-by-beat operation in which newly detected beats are used to check (validate) currently stored template features (paragraph 0082). Since Kim teaches there is no need to store beats used to validate a template, Kim does not teach, suggest, or imply that the beats (second events) used to validate a template are also used to update the template.

With regard to claims 5, 6, 14, 15, 19, and 23, Kim fails to teach, among other things, identifying first events (used for generating the template) or second events (used for both validating and updating the template) subsequent to determining consecutive events having first characteristics. Applicant respectfully asserts the Examiner's interpretation of the identification of first or second selected events as the comparison of the template with newly acquired beats is incorrect. As stated in the claims, consecutive events having first characteristics are determined, and subsequent to the consecutive events, first events (used for generating the template) or second events (used for validating and updating the template) are identified having second characteristics. Kim teaches a 20 RR-interval moving window is used for determining an average RR interval for checking rate and regularity of beats acquired for updating a template (Figure 6 and paragraph 71). Accordingly, Kim does not teach, suggest or imply determining consecutive events having first characteristics prior to identifying first events and second events having second characteristics. For at least these reasons, Applicant requests that the rejection be withdrawn.

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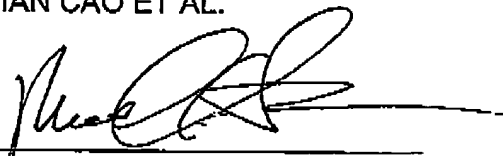
III. Conclusion

In accordance with the foregoing, Applicant asserts that the present claims are in condition for allowance and notice of the same is earnestly solicited. Should any issues remain outstanding, the Examiner is respectfully urged to telephone the undersigned to expedite prosecution.

Respectfully submitted,

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March 28, 2006
Date


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